

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 21 JUN 2005



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Applicant's or agent's file reference 299/03473	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IL 03/0220	International filing date (day/month/year) 13.03.2003	Priority date (day/month/year) 13.03.2003
International Patent Classification (IPC) or both national classification and IPC A45D26/00		
Applicant RADIANCY INC. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 8 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☒ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 25.01.2004	Date of completion of this report 17.06.2005
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Maier, M Telephone No. +49 89 2399-2477 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IL 03/00220

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-16 as originally filed

Claims, Numbers

1-17 filed with telefax on 13.04.2005

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 17

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☒ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:

☐ restricted the claims.

☐ paid additional fees.

☐ paid additional fees under protest.

☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

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☐ complied with.

☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

☒ all parts.

☐ the parts relating to claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-16
	No: Claims	
Inventive step (IS)	Yes: Claims	1-16
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item I

Basis of the report

The amendments filed by fax dated April 13, 2005 introduce subject-matter which extends beyond the content of the application as filed, contrary to the requirement of Article 34(2)(b) PCT. The amendments concerned is claim 17, which contains wording which is not derivable from the application as originally filed, wherein no information could be found from which the subject-matter claim 17 could be directly and unambiguously derived. Furthermore, amended claim contains an unclarity, which was not contained in the application as filed, by reference to a housing which is not specified in any claim superior to claim 17.

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

As indicated in the previous section, claim 17 has no basis in the description.

Re Item IV

Lack of unity of invention

This Authority considers that there are 3 inventions covered by the claims indicated as follows:

1. Claims 1-4: A hair-cutting apparatus comprising a heat-generating elongate element producing heat sufficient to cut hair, and a deodorant or perfume dispenser.
2. Claims 5-6: A hair-cutting apparatus comprising a heat-generating elongate element producing heat sufficient to cut hair, and a filter and an air pump.
3. Claims 7-10, and 11-17: A hair-cutting apparatus comprising a heat-generating elongate element producing heat sufficient to cut hair, and an electrostatically

charged element adapted for collecting cut hair. A method of collecting cut hair, comprising a) cutting hair with a heated elongate element; and b) collecting the hair cuttings with an electrostatically charged element.

The reasons for which the inventions are not so linked as to form a single general inventive concept, as required by Rule 13.1 PCT, are as follows:

- 3.1 The prior art has been identified as document GB 658 068 A (DI) and discloses hair cutting apparatus and thereby a method of collecting cut hair, comprising cutting hair with a heated elongate element (18). It is noted that the hair cutting apparatus has a container 7, which will be electrostatically charged by the friction occurring during use, as is implicitly disclosed for the skilled person, provided that the container 7 is made of a suitable usual material such as various types of plastic. Therefore some of the hair cuttings which will be attracted to the wall of the container.

It follows that the following technical feature of claim 1 makes a contribution over the prior art and can be considered as a special technical feature within the meaning of Rule 13.2 PCT: a deodorant or perfume dispenser juxtaposed in relation to the portion.

The technical effect of this first invention is to apply a deodorant or perfume to the application area. The objective technical problem underlying the first invention may therefore be regarded as to provide a hair cutting machine of the type having a heated elongate element with a supply for deodorant or perfume.

- 3.2 The subject-matter of independent claim 5, however, differs in other special technical features from the disclosure of DI, namely in a filter mounted on a portion of a structure of the hair cutting apparatus adapted for contacting an area of skin having hair, and in a pump mounted on the structure, adapted to cause air to flow from the element through the filter.

The technical effect of this first invention is to create an air flow from the heat-generating element, which is subsequently purified. The objective technical problem underlying the second invention may therefore be regarded as to provide a hair cutting machine of the type having a heated elongate element with a purified airflow

around the element.

- 3.3 The subject-matter of independent claims 7 and 11, differs in other special technical features from the disclosure of DI, namely in the presence of an electrostatically charged element adapted for collecting cut hair, or in the step of collecting the hair cuttings from the skin of the user with an electrostatically charged element.

Even taking into account that the housing 7 will normally be electrostatically charged during use, when it is made from a suitable plastic material used in the technical field, and that therefore some of the cut hairs will be attracted to the housing, no provision can be derived from DI that the housing is adapted for collecting cut hair, or for collecting the hair cuttings from the skin of the user.

The technical effect of this third invention is therefore to remove the hair cuttings from the skin of the user. The objective technical problem underlying the third invention may therefore be regarded as to provide a hair cutting machine of the type having a heated elongate element with means for collecting the hair cuttings.

- 3.4 These observations appear to show lack of corresponding technical effect, and of same or corresponding special technical features within the meaning of Rule 13.2 PCT. Consequently, neither the objective problem underlying the subjects of the claimed inventions, nor their solutions defined by the special technical features allow for a relationship to be established between the said inventions, which would involve a single general inventive concept.
- 3.5 In conclusion, the groups of claims are not linked by common or corresponding special technical features and define 3 different inventions not linked by a single general inventive concept. The application, hence does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IL 03/00220

1. As shown in detail in the previous section, the present international applications comprises three separate inventions solving three different problems. However, none of the solutions is known from the prior art, and there is no teaching available that renders the solutions obvious. The subject-matter of independent claims 1, 5, 7 and 11 is therefore novel (Article 33(2) PCT) and involves an inventive step (Article 33(3) PCT).
2. Claims 2-4, 6, 8-10 and 12-16 are dependent claims and as such also meet the requirements of the PCT with respect to novelty and inventive step.
3. The invention as specified in the claims is industrially applicable in the production of hair cutting devices.

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CLAIMS

1. A hair cutting apparatus comprising a structure having a portion adapted for contacting an area of skin having hair, the apparatus comprising:
 - 5 a) a heat-generating elongate element producing heat sufficient to cut hair, mounted on the portion; and
 - b) a deodorant or perfume dispenser juxtaposed in relation to the portion.
2. The hair cutting apparatus of claim 1, wherein the dispenser is adapted to dispense a
 10 deodorant or perfume in response to heat.
3. The hair cutting apparatus of claim 1 or claim 2, wherein the elongate element is adapted to vibrate.
- 15 4. The hair cutting apparatus of claim 3, wherein the deodorant dispenser is adapted to dispense a deodorant in response to vibration.
5. A hair cutting apparatus comprising a structure having a portion adapted for contacting an area of skin having hair, the apparatus comprising:
 20 a) a heat-generating element producing heat sufficient to cut hair, mounted on the portion; and
- b) a filter mounted on the portion; and
- c) a pump mounted on the structure, adapted to cause air to flow from the element
 25 through the filter.
6. Apparatus according to claim 5 wherein the filter dispenses a deodorant or perfume into air that passes through it.
7. A hair cutting apparatus comprising a structure adapted for contacting an area of skin
 30 having hair, the apparatus comprising:
 - a) a heat-generating elongate element producing heat sufficient to cut hair, mounted on the portion; and

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b) an electrostatically charged element adapted for collecting cut hair.

8. Apparatus according to claim 7, wherein the electrostatically charged element comprises at least one of: a brush, a comb, and a hair collection receptacle.

9. Apparatus according to any of the preceding claims wherein the heated element is a wire.

10. Apparatus according to any of the preceding claims wherein the apparatus is a hand held apparatus adapted to be pressed against the skin of a user and cut hair on said skin.

11. A method of collecting cut hair, comprising:
a) cutting hair with a heated elongate element; and
b) collecting the hair cuttings from the skin of the user with an electrostatically charged element.

12. A method according to claim 11 wherein the electrostatically charged element comprises at least one of: a brush, a comb, and a hair collection receptacle.

13. A method according to claim 11 or claim 12 including collecting the cut hair into a receptacle.

14. A method according to any of claims 11-13 wherein the heated elongate element is a wire.

15. A method according to any of claims 11-14 and including moving the heated elongate element along the surface of the skin of an area from which hair is to be removed by hand.

16. A method according to any of claims 11-15 wherein the electrically charged element is charged by friction of the element with the skin of a user as it is moved along the skin.

17. A method according to any of claims 11-16 wherein said elongate elements are located external to the housing.